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BEA Systems, Inc. and Defendants
9 Thomas M. Ashburn, Carol A. Bartz,
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Cece, Alfred S. Chuang, William T. Coleman,
10 Mark P. Dentinger, Matthew S. Green,
Stewart K.P. Gross, William M. Klein,
11 Ivan M. Koon, William H. Janeway, Joseph H.
Menard, Dean Morton, Tod Nielsen,
12 Edward W. Scott Jr., Robert A. Shipp
and Deborah Stanley

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

In re BEA SYSTEMS, INC. DERIVATIVE LITIGATION) Master File No. C-06-4459 (RMW)
18)
19)
20 This Document Relates To:)
21 All Actions.)
22)

**STIPULATION AND []
ORDER REGARDING BRIEFING
SCHEDULE FOR AND SETTING
HEARING ON DEFENDANTS'
RESPONSE TO SECOND
AMENDED CONSOLIDATED
COMPLAINT**

WHEREAS, on November 9, 2007, Plaintiffs filed a Second Amended Consolidated Shareholder Class and Derivative Complaint (the “SAC”);

WHEREAS, pursuant to Rule 15(a) of the Federal Rules of Civil Procedure, Defendants' response to the SAC is due within ten Court days after service thereof; and

STIP. & [] ORDER RE BRIEFING
SCHEDULE FOR & SETTING HRNG. ON DEF'S
RESPONSE TO 2ND AMENDED CONSOLIDATED
COMPLAINT; MASTER FILE NO. C-06-4459
(RMW)

WHEREAS, Defendants intend to file a motion to dismiss the SAC.

IT IS HEREBY STIPULATED AND AGREED, subject to Court approval, by and between the undersigned that:

1. Defendants may file their motion to dismiss the SAC on or before January 25, 2008;
2. Plaintiffs shall file and serve any opposition to Defendants' motion to dismiss on or before March 10, 2008;
3. Defendants shall file and serve any reply to Plaintiffs' opposition by April 9, 2008; and
4. The hearing on Defendants' motion to dismiss shall be on April 25, 2008 at 9:00 a.m.

Dated: December 4, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

By: /s/ Ignacio E. Salceda
Ignacio E. Salceda

Attorneys for Nominal Defendant BEA Systems, Inc. and Defendants Thomas M. Ashburn, Carol A. Bartz, Barbara J. Britton, Mark T. Carges, Sam Cece, Alfred S. Chuang, William T. Coleman, Mark P. Dentinger, Matthew S. Green, Stewart K.P. Gross, William M. Klein, Ivan M. Koon, William H. Janeway, Joseph H. Menard, Dean Morton, Tod Nielsen, Edward S. Scott, Jr., Robert A. Shipp and Deborah Stanley

Dated: December 4, 2007

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By: /s/ Nichole Browning

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11 Liaison Counsel for Plaintiffs
12

13 * * *

14 ORDER
15

16 PURSUANT TO STIPULATION, IT IS SO ORDERED.
17

18 DATED: 12/20/07
19

20 
21 The Hon. Ronald M. Whyte
22 United States District Court Judge
23

1 I, Ignacio E. Salceda, am the ECF User whose identification and password are being used
2 to file the Stipulation and [Proposed] Order Regarding Briefing Schedule for and Setting Hearing
3 on Defendants' Response to Second Amended Consolidated Complaint. I hereby attest that
4 Nichole Browning has concurred in this filing.

5 Dated: December 4, 2007

WILSON SONSINI GOODRICH & ROSATI
Professional Corporation

7 By: /s/ Ignacio E. Salceda
8 Ignacio E. Salceda

9
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